

FILED BY SJ D.C.
05 OCT 25 PM 4:40
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

United States District Court
WESTERN DISTRICT OF TENNESSEE
Eastern Division

JUDGMENT IN A CIVIL CASE

MICHAEL J. CUNNINGHAM,

v.

JOE SMITH, ET AL.,

CASE NUMBER: 1:05-1232-T/An

Decision by Court. This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 10/24/2005, this case is hereby DISMISSED and CERTIFYING that any Appeal by plaintiff is not taken in good faith and if plaintiff wishes to take advantage of the installment procedures for paying the appellate filing fee, he must comply with the procedures set out in McGore and 1915(b). For analysis under 28 U.S.C. § 1915(g) of future filings, if any by this Plaintiff, this is the FIRST dismissal of one of his cases as frivolous or for failure to state a claim.

APPROVED:

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

THOMAS M. GOULD
CLERK

10/25/05
DATE

BY:

C. Kend
DEPUTY CLERK



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01232 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT